

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11, 14-35, and 37 are pending. Claims 12, 13, and 36 have been canceled without prejudice or disclaimer of subject matter. No claims are amended in this paper.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-11, 14-35, and 37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,002,394 to Schein et al. (herein after, "Schein") and in view of U.S. Patent No. 6,295,092 to Hullinger et al. (hereinafter, merely "Hullinger").

Claim 37 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Schein in view of Hullinger and further in view of U.S. Patent No. 6,052,554 to Hendricks (hereinafter, merely "Hendricks").

III. RESPONSE TO REJECTIONS

Applicant submits that Hullinger is not prior art.

This application is filed in the U.S Patent Office on April 19, 1999 and is assigned Application No. 09/284,699, which claims a priority to a PCT application, PCT/JP98/03707, filed on August 21, 1998, which further claims a priority to Japanese Application JP-09-224745

filed on August 21, 1997. The Office Action dated August 14, 2001 indicated that the Certified Copies of priority documents had been received.

Hullinger is filed on July 30, 1998 and patented on September 25, 2001.

Applicants submit that Hullinger's filing data is after the priority date of this application. Hullinger is patented after the filing date of the application. Therefore, Hullinger is not a prior art. Applicant requests withdrawal of each rejection based on Hullinger.

CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By: 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800